

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:
JAMIE L. PALASHOFF
Debtor(s)

Bankruptcy No. 17-23459-GLT

Chapter 13

JAMIE L. PALASHOFF
Movant(s)

Document No.

v.

MIDLAND FUNDING, LLC
Respondent(s)

**MOTION TO AVOID JUDICIAL LIEN
OF MIDLAND FUNDING, LLC**

AND NOW comes the Debtor, Jamie L. Palashoff, by and through her undersigned counsel, and files the within Motion to Avoid Lien pursuant to 11 U.S.C. § 522(f), and in support thereof avers as follows:

1. The Debtor commenced this case on August 29, 2017 by filing a voluntary petition for relief under Chapter 13 of the Bankruptcy Code.
2. This Court has jurisdiction over this motion, filed pursuant to 11 U.S.C. § 522(f) to avoid and cancel a judicial lien held by Midland Funding, LLC (“Respondent”) on real property used as the Debtor’s residence, under 28 U.S.C. § 1334.
3. This is a core proceeding within the provision of 28 U.S.C. § 157.
4. On Schedule A of their Petition, the Debtor scheduled her residential real estate located at 3209 Villawood Avenue, Pittsburgh, PA 15227 (“Affected Property”) with a value of \$65,900.
5. The Debtor is the sole owner of the Affected Property.
6. The Debtor claimed a \$12,894.00 exemption in the Affected Property.

7. The Debtor scheduled the following known lien(s) against the Affected Property on Schedule D of her Petition:

Lien Holder	Current Balance Owed	Date Recorded	Type of Lien	Identification of Record Location
Pacific Union Financial 1603 LBJ Freeway, Suite 500 Farmers Branch, TX 75234	\$53,006.00	08/12/2016	Mortgage	Book/Vol/Page: M/46821/231

8. Debtor did not list Respondent as a secured creditor on Schedule D, because she was intending to avoid the lien held by Respondent.

9. Respondent is listed as an unsecured creditor on Schedule F, with a balance due of \$2,223.67.

10. On October 19, 2016, Respondent entered a judgment in the Court of Common Pleas of Allegheny County, Pennsylvania at case number GD-16-019736 in the amount of \$2,983.00.

11. Respondent filed a proof of claim at claim number 4, which lists the judgment as the basis of the claim, but does not claim to be secured by the Affected Property.

12. Had the debt owed to Respondent been listed on schedule D as secured, it would have impaired exemptions to which the Debtor would be entitled under 11 U.S.C. § 522(b).

WHEREFORE, the Debtor, Jamie L. Palashoff, respectfully requests that this Court grant this Motion avoiding and canceling the judicial lien on Debtor's property pursuant to 11 U.S.C. Section 522(f), and for such additional and alternative relief as may be just and proper.

Respectfully Submitted:

MOYNIHAN LAW, PC

Date: September 24, 2020

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